

REMARKS

Claims 1-12, 14-18, 20-38, and 41-42 are presented for consideration by the Examiner. Independent claims 1, 25 and 36 have been amended to include the limitation of original claim 13. Method claims 39 and 40 have been rewritten as claims 41 and 42, respectively, so as to more clearly define and describe the claimed invention. Claims 13 and 19 have been cancelled.

The Examiner's rejection of claims 39 and 40 as anticipated by Ballard under 35 U.S.C. § 102(b) is now moot in view of the cancellation of these claims. New claims 41 and 42 are not subject to this ground of rejection as the hospital bed mattress of Ballard relies on inflated spring bellows segments. The spring bellows segments provide for positional adjustments of the mattress as well as for other uses. The mattress as is clear from the many Ballard drawings is a unitary, unsegmented article and the different positions are achieved by bending of the mattress, i.e., to provide a raised head pattern. The patent refers to "a transversely (sic) bondable mattress." In the applicants' structure, the mattress has multiple segments that are coupled sequentially, for example, with flex joints, pivot joints and the like, that allow for bending, extension and flexing thereof. The joints in particular allow the mattress to be articulated and to be conformed into various orientations.

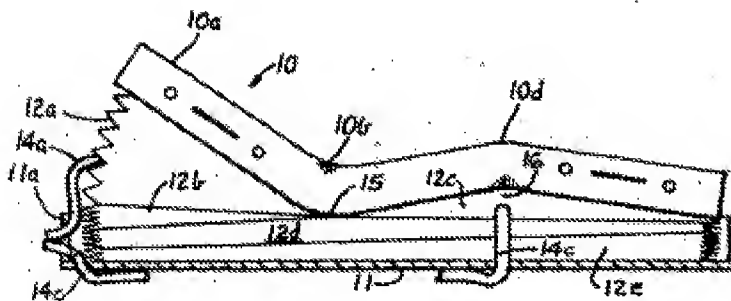
The Ballard structure is not capable of such activity.

The Examiner's rejection of claims 1-20, and 23-28 as being unpatentable (35 U.S.C. § 013(a)) over Cantu in view of Ballard is similarly not well taken.

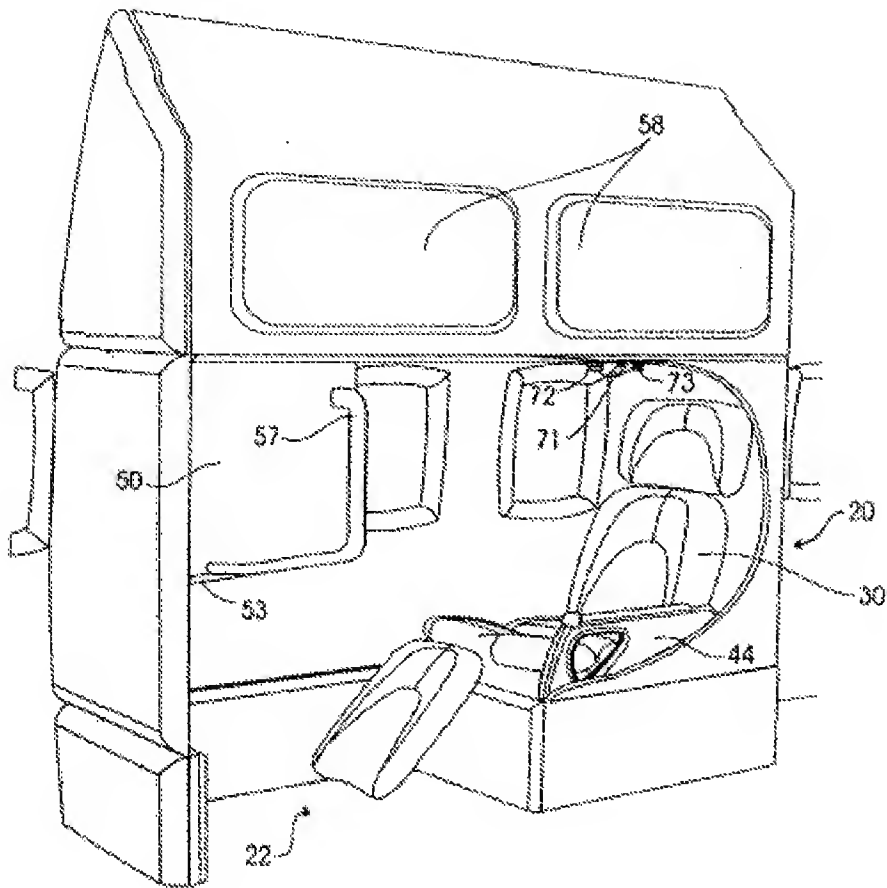
The Examiner considers that Cantu teaches a crew rest support system for use on an aircraft comprising a berth enclosure and a berth mattress and expressly recites that “what Cantu doesn’t teach is a pneumatic system and related inflatable members or support structure to adjust the mattress position.” He relies on Ballard to supply this omitted technique, i.e., that it would have been obvious to one skilled in the art to combine Cantu and Ballard.

The Cantu patent is directed to a convertible seating and sleeping accommodation for an aircraft in which the structure at issue is convertible from a sitting position to a reclining position. The units are modular and are formed of distinct elements, i.e., a seat bed element formed by a back structure seat cushion and leg rest, all supported with a jointed frame device, all of the elements are combined to form a “sliding fold-out” motion system which allows the passenger to adjust the seat bed to any position from sitting to completely horizontal.

The Examiner’s suggestion that there would be motivation to combine Cantu with Ballard is not there when one considers the difference in structures.



Ballard



Cantu

It should be apparent that Cantu having a rigid seat, does not lend itself the pneumatic installation proposed by the Examiner.

The applicants' invention is not suggested by the combination since even if resorted to the flexibility, the ability to be articulated and conformed to numerous orientations provided by the invention could not be achieved.

The rejection of claims 21 and 22 over the combination of Cantu and Ballard in further view of Le Gette should also be withdrawn as these claims are directed to a

preferred feature, namely the arm rest. This feature is not claimed per se and with the absence of any of the references in any combination thereof to teach the applicants' invention, the rejection should be withdrawn.

It is submitted that all of the claims in the application are allowable to the applicants and notification to this effect is now respectfully requested.

Respectfully submitted,

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Date

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